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TRANSMITTAL FORM

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Total Number of Pages in This Submission

4

Application Number

10/796,616

Filing Date

03/09/2004

First Named Inventor

John Allan Grinstead

Art Unit

3677

Examiner Name

Jack W. Lavinder

Attorney Docket Number

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

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Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

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Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a
Provisional Application

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Power of Attorney, Revocation

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Change of Correspondence Address

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Terminal Disclaimer

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Request for Refund

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After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☐

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☐

Other Enclosure(s) (please identify
below):

Remarks

Remarks

Amended claims 1 - 4

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Signature

Printed name

John Allan Grinstead

Date

1.17.06

Reg. No.

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Response to a non-Final Office Action

Application SN 10/796,616

This communication is a response to a non-final Office Action having a mailing date of 01/06/2006 and setting forth a shortened statutory period for response of three months which would expire on 04/05/2006.

REMARKS

Claims 1 - 4 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner states that "the claims state that the band has a U-shaped link. The drawings fail to disclose a U-shaped link". The examiner suggests changing "U-shaped" to "loop-shaped".

The applicant cannot agree with the examiner's holding at all. The drawings clearly show that the link 5 is of a U-shape. It is not an A-shape, it is not an E-shape or S-shape it is clearly a U-shape. The specification clearly calls this link 5 a U-shape link. It is pointed out to the examiner that it is well settled that the examiner can be his own lexicographer and the applicant prefers to call this link a U-shape which in fact it is. The examiner cannot hold the claims as vague and indefinite because of the use of this word "U-shape". It is also pointed out to the examiner that changing "U-shape" to "loop shape" is not supported by the specification. The use of the word "loop-shape" is a much broader definition than U-shape. A loop can be round, oval or even triangular. It is not the intention of the applicant to claim the link 5 that broadly.

In view of all of the above, the examiner is respectfully requested to reconsider the rejection under 35 U.S.C. 112 and allow the claims.